

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 10, 2002

DIVISION ONE

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B154647 Teitelbaum (Not for Publication)
v.
Superior Court, Los Angeles County
(Decastro, West, Chodorow, Glickfeld & Nass Inc. et al., r.p.i.)

The Court:

THEREFORE, let a peremptory writ issue, commanding respondent superior court to vacate its order of November 13, 2001, rejecting petitioner's peremptory challenge under Code of Civil Procedure section 170.6 as untimely, and to issue a new and different order granting same, in Los Angeles Superior Court case No. SC067925, entitled DeCastro, West, Chodorow, Glickfeld & Nass, Inc., et al. v. Racquet Club Gardens LLC, etc., et al.

All parties shall bear their own costs.

Ortega, Acting P.J., Vogel (Miriam A.), J., Mallano, J.

January 10, 2002-Continued

DIVISION ONE (Continued)

B149004 Mitchell (Not for Publication)
v.
Superior Court, Los Angeles County
(The Union Central Life Insurance Company et al., r.p.i.)

The petition for writ of mandate is denied. The temporary stay order is vacated. The parties are to bear their own costs.

Vogel (Miriam A.), J.

I concur: Ortega, J
I dissent: Spencer, P.J. (Opinion)

B146395 Beaudrot (Not for Publication)
v.
Rydell Enterprises et al.

Pursuant to the parties' agreement, the appeal is dismissed. Unless the parties have agreed otherwise, they are to bear their own costs on appeal.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION TWO

B145556 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Joann L.

The judgment of the juvenile court is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION FOUR

B144255 Harford (Not for Publication)
v.
City of Santa Clarita et al.

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B145283 Friends of the Santa Clara River (Not for Publication)
v.
Castaic Lake Water Agency

The judgment is reversed. The trial court shall issue a writ of mandate vacating the certification of the EIR, shall retain jurisdiction until respondent certifies an EIR complying with CEQA consistent with the views expressed in this opinion, and shall consider such orders it deems appropriate under section 21168.9. The parties shall bear their own costs on appeal.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FIVE

B145204 BII Finance Company LTD. (Certified for Publication)
v.
U-States Forwarding Services Corp.

The judgment is affirmed. Costs on appeal are awarded to BII.

Mosk, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION FIVE (Continued)

B150383 Dejoure White etc. (Certified for Publication)
 v.
 Wilfredo Contreras et al.

The judgment is reversed. Appellant(s) to recover costs.

Mosk, J.

We concur: Turner, P.J.
 Armstrong, J.

B146870 David Stermer (Certified for Publication)
 v.
 Board of Dental Examiners

The judgment is affirmed. Respondent(s) to recover costs.

Mosk, J.

We concur: Turner, P.J.
 Grignon, J.

B152306 In re Herbert Morales (Not for Publication)
 on
 Habeas Corpus

Petition for habeas corpus is granted in part. In case No. BA193898, the computation of presentence credits of June 21, 2001, is vacated. In case no. BA193898, defendant is to receive 781 days of presentence credit which includes 170 days of conduct credits. In case no. KA044893, the presentence credit award of June 18, 2001, is vacated. In case No. KA044893, defendant is to receive presentence credits of 631 days which includes 120 days of conduct credits. This order is final forthwith pursuant to Rule 28 (d) of the California Rules of Court.

Turner, P.J.

I concur: Mosk, J. (Opinion)
I dissent: Grignon, J. (Opinion)

DIVISION FIVE (Continued)

B145178 Pamela Porter (Not for Publication)

v.

United Services Automobile Association

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

B151142 Los Angeles County, D.C.F.S. (Not for Publication)

v.

Daniel C.

In re Danielle C.

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

B149647 People (Not for Publication)

v.

Justo Montes

The judgment is modified to reflect a \$200 restitution fine (Pen. Code. § 1202.4, subd. (b) and a \$200 parole revocation restitution fine (Pen. Code § 1202.45). The clerk of the superior court is directed to prepare an amended abstract of judgment and forward the amended abstract to the Department of Corrections. As modified, the judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
Mosk, J.

DIVISION FIVE (Continued)

B141323 Salerio S. Lanni et al. (Not for Publication)
 v.
 Brian Bright et al.

The judgments are affirmed in their entirety. The Lannis shall recover their costs on appeal.

Willhite, J. (Assigned)

We concur: Turner, P.J.
 Armstrong, J.

B144011 Steven Mazza (Not for Publication)
B144252 v.
 Richard Dicorrado et al.

The judgment is affirmed. Respondent(s) to recover costs.

Grignon, J.

We concur: Turner, P.J.
 Mosk, J.

DIVISION SIX

Court convened at 9:55 A.M.

Present: Yegan, J., Acting P.J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

B149755 Sumalpong v. A.C. Fire Protection Co.

Argument waived, cause submitted.

DIVISION SIX (Continued)

B145819 Real
 v.
 Wal-Mart, Inc.

Merits:
Argued by Ronald C. Cohen for appellant and by Todd A. Norton for respondent. Cause submitted.

B148041 Rogovoy
 v.
 Fremont Compensation Ins.

Merits:
Argued by Andre Hassid for appellant and by William Servey for respondents. Cause submitted.

Perren, J. left the bench.

Gilbert, P.J., assumed the bench.

B149858 Melero v. Jajko
B149862 Woodburn v. Maron

Merits:
The court directs that the matters be consolidated for the purpose of argument. Argued by James R. Parrinello for appellants Jajko and Woodburn and by Frederic D. Woocher for respondents Melero and Maron. Cause submitted.

Court recessed at 10:45 A.M.

DIVISION SIX (Continued)

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

B145228 People v. Dacayana

Argument continued to February, 2002.

Each of the following:

B147319 People v. Ormsby
B147377 People v. Roberts
B147599 People v. Ray
B148489 People v. Barron
B148515 People v. Goosby
B149268 People v. Simon
B149653 People v. Brouillette
B149731 People v. Norris

Argument waived, cause submitted.

Each of the following:

B149656 People v. Martinez
B151442 People v. Johnson

Argument ordered off calendar.

B148430 People
 v.
 Barnes

Merits:

Argued by Laini M. Melnick for appellant and by Hye Y. Yang, deputy attorney general, for respondent via video conference. Cause submitted.

DIVISION SIX (Continued)

B148414 People
 v.
 Sugarman

Merits:
Argued by Norma Bishop for appellant and by Lauren E. Dana for
respondent via video conference. Cause submitted.

Perren, J. left the bench.

B147035 People
 v.
 Hueston

Merits:
Argued by Wayne C. Tobin for appellant and by Rori M. Ridley, deputy
attorney general, for respondent. Cause submitted.

Court adjourned at 2:20 P.M.

DIVISION SEVEN

Court convened at 9:00 A.M.

Present: Johnson, Acting P.J., Woods, J., Perluss, J. and Eva McClintock, Deputy Clerk.

Each of the following:

B149979 People v. Toomalata
B148877 People v. Vasquez
B147181 People v. Williams
B144951 People v. Mancillas
B145630 People v. Smith
B141742 People v. Chatmajian
B148167 People v. Willis
B147575 People v. Cass
B147542 People v. Melara
B146540 People v. Hahn
B146097 People v. Bustillios

DIVISION SEVEN (Continued)

Each of the following (Continued):

B147213 DCFS v. Carl C.
B153345 Victoria P. v. S. C. L. A.
B145299 People v. Smith
B148383 People v. Salas
B145440 People v. Mendez
B147378 People v. Burciaga

Argument waived, cause submitted.

B147986 People
 v.
 Daniel Chavez

Merits:

Argued by Vanessa Place for appellant and by Joseph Lee, deputy attorney general, for respondent. Cause submitted.

B149517 People
 v.
 Richard Rojas

Merits:

Argued by Jessica Goulden, deputy district attorney, for appellant and by Sylvia Koryn for respondent. Cause submitted.

B151297 People
 v.
 Sina Chris Nang

Appearances:

William Capriola for appellant and by Marc Kohm, deputy attorney general, for respondent. Respondent did not stipulate to have Presiding Justice Lillie participate by tape and the matter was continued to the February 7, 2002 at 9:00 a.m. calendar.

DIVISION SEVEN (Continued)

B146288 People
 v.
 Anthony C.

Merits:
Argued by Katherine Greenebaum for appellant and by Theresa Cochrane, deputy attorney general, for respondent. Cause submitted.

B147007 People
 v.
 Cristoval Torres

Merits:
Argued by David B. Harrison for appellant. Respondent waived oral argument. Cause submitted.

B148752 People
 v.
 Ricardo Perez Mozqueda

Merits:
Argued by Linda Acaldo for appellant and by Myung Park, deputy attorney general, for respondent. Cause submitted.

B149529 Darlaine A. Thornton
 v.
 Roger Earl Thornton

Merits:
Argued by Rocky Crabb for appellant and by Gary W. Kearney for respondent. Cause submitted.

B151503 Marianne Apodaca
 v.
 Rafael Chodos

Merits:
Argued by Rafael Chodos for appellant. No appearance by respondent pursuant to Rule 17(b). Cause submitted.

DIVISION SEVEN (Continued)

B141142 Ivis Higgins
v.
Thrifty Payless et al.

Merits:
Argued by David Schaffer for appellant/cross-respondent and by Michael J. Pearce for respondent/cross-appellant. Cause submitted.

B145699 Robert M. Perla
v.
Frank Cromwell Lincoln

Merits:
Argued by Robert B. Owens for appellant. Counsel for respondent waived oral argument. Cause submitted.

B153849 In re Ronald Lee Varnell on Habeas Corpus

Merits:
Argued by Alex Ricciardulli, deputy district attorney, for petitioner and by Marc Nolan, deputy attorney general, for respondent. Cause submitted.

B149679 Adrienne Rubin
v.
United Airlines

Merits:
Argued by Steven A. Blum for appellant and by Gregory L. Anderson for respondent. Cause submitted.

Court recessed at 11:49 A.M.

DIVISION SEVEN (Continued)

Court reconvened at 2:00 P.M.

Present: Johnson, Acting P.J., Woods, J., Perluss, J. and Eva McClintock, Deputy Clerk.

B144343 Enrica M. Polese v. L.A. County Law Library et al.,

Argument waived, cause submitted.

B149131 Los Angeles County, D.C.F.S.
v.
Russell C. Benjamin
In re Armanti B.

Merits:

Argued by Michelle Ben-Hur, deputy county counsel, for appellant and by Melissa Chaitin for respondent. Cause submitted.

B147057 George Vorgitch et al.
v.
Fidelity National Title

Merits:

Argued by George S. Vorgitch for appellants and by Stephen E. Anderson for respondent. Cause submitted.

B146501 Albert Balassy
v.
Allen Cammack et al.
City of Los Angeles

Merits:

Argued by Mitch Kalcheim for appellant and by Clay Robbins and Janet Bogigian for respondents. Cause submitted.

DIVISION SEVEN (Continued)

B141340 Robert T. Burrahm et al.
 v.
 Impco Technologies

Merits:
Argued by Kenneth Catanzarite for appellants and by T. Larry Watts and David Kadue for respondent. Cause submitted.

B145042 Brian J. McMahon
 v.
 El Camino Community College

Merits:
Argued by Brian McMahon appellant in propria persona and by Dennis J. Walsh for respondents. Cause submitted.

B152259 Antonio Mandujano
 v.
 MS Abrasive et al.

Merits:
Argued by Greg Coolidge for appellant and by Kelly Prager, Holly Kalchstein, Kenyon M. Young, Vincent A. Ammirato, Mark Herskovitz and Robert Miller for respondents. Cause submitted.

Court adjourned at 4:17 P.M.